

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Robert Schroeder,

Case No. 21-cv-1367 (MJD/LIB)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Blue Earth Co.,

Defendant.

This matter comes before the undersigned United States Magistrate Judge upon the routine supervision of the cases that pend before the Court, pursuant to a general assignment made in accordance with the provisions of 28 U.S.C. § 636.

In an Order dated June 24, 2021, this Court ordered Plaintiff Robert Schroeder to submit financial information establishing the average deposits to and balance of his jail trust account, consistent with 28 U.S.C. § 1915(b). (See, Order [Docket No. 3]). Plaintiff was given until July 26, 2021, to submit the required financial documentation. (Id.). Plaintiff was forewarned that if he failed to comply with this Court's directive, it would be recommended that this action be dismissed without prejudice for failure to prosecute. See, Fed. R. Civ. P. 41(b).

This deadline has now passed, and Plaintiff has not submitted financial documentation as previously ordered. In fact, Plaintiff has not communicated with the Court about this case at all since commencing this action. Accordingly, this Court now recommends, in accordance with its June 24, 2021, Order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See, Henderson v. Renaissance Grand Hotel, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

Therefore, based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** this action be **DISMISSED without prejudice** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: August 18, 2021

s/Leo I. Brisbois
Hon. Leo I. Brisbois
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).